

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS  
Boris Sereda

(b) County of Residence of First Listed Plaintiff Bucks  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Eric Rayz, Esq., Kalikhman & Rayz LLC, 1051 County Line Rd., Suite 102  
Huntingdon Valley, PA 19406 215-364-5030

DEFENDANTS  
Mills Corporation, et al

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)  
Charles Jay Bogdanoff, Esq., Gekoski & Bogdanoff, P.C.  
42 S. 15<sup>th</sup> Street, Suite 1414, Phila. PA 19102 215-563=2511

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☒ 3 Federal Question (U.S. Government Not a Party)

☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF DEF

Citizen of This State☒ 1☐ 1

Citizen of Another State☐ 2☐ 2

Citizen or Subject of a Foreign Country☐ 3☐ 3

PTF DEF

Incorporated *or* Principal Place of Business In This State☐ 4☐ 4

Incorporated *and* Principal Place of Business In Another State☐ 5☒ 5

Foreign Nation☐ 6☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT   | TORTS   |  | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES   |
|--|---|--|--|---|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input checked="" type="checkbox"/> 360 Other Personal Injury | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS --Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY  | CIVIL RIGHTS  | PRISONER PETITIONS   |  |   |  |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property   | <input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/ Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights  | <input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>Habeas Corpus:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition  |  |   |  |

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Sections 1331 and 1442

Brief description of cause:  
Plaintiff allegedly struck by a swung padlock attached to a portable cart

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☐ No

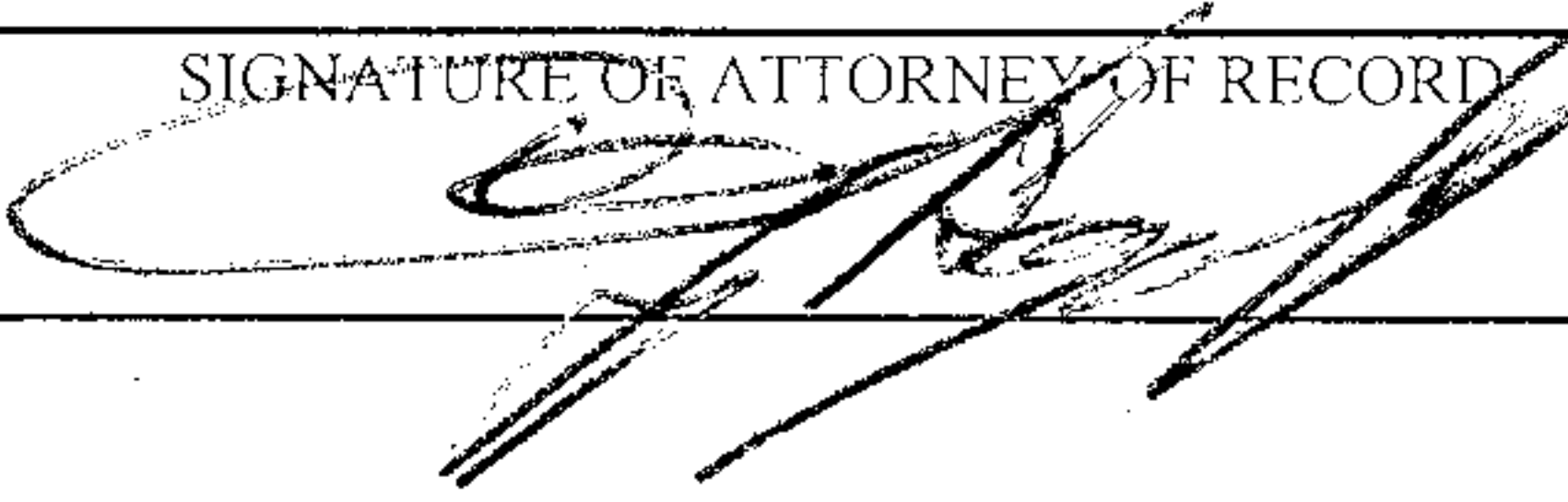
VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
August 24, 2009

SIGNATURE OF ATTORNEY OF RECORD  


FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



## UNITED STATES DISTRICT COURT

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.**

Address of Plaintiff: Boris Sereda - 95 Lempa Road, Holland PA 18966

Address of Defendant: See attached list

Place of Accident, Incident or Transaction: 1455 Franklin Mills Circle, Phila, PA 19154

(Use Reverse Side For  
Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury

6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

6. ☒ Other Personal Injury  
(Please specify) *negligence - hit  
with pole*
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

### ARBITRATION CERTIFICATION

(Check appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Attorney-at-Law

Attorney I.D.#

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

\_\_\_\_\_  
I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8-24-09

  
\_\_\_\_\_  
Charles Jay Bogdanoff, Esquire  
Attorney-at-Law

Attorney I.D.# 02657

CIV. 609 (6/08)

John Doe  
1243 Nottingham Way, Apt WA  
Trenton, NJ 08609



List of Defendants According to the Plaintiff

Mills Corporation  
5425 Wisconsin Avenue, Suite 500  
Chevy Chase, MD 20815

Mainstreet Retail LP  
c/o Mills Corporation  
5425 Wisconsin Avenue, Suite 500  
Chevy Chase, MD 20815

Mills Management LLC  
c/o Mills Corporation  
5425 Wisconsin Avenue, Suite 500  
Chevy Chase, MD 20815

Franklin Mill Associate, LP  
c/o SPG  
225 West Washington Street  
Indianapolis, IN 46204

Management Association, LP  
c/o SPG  
225 West Washington Street  
Indianapolis, IN 46204

Mills, LP  
c/o SPG  
225 West Washington Street  
Indianapolis, IN 46204

Miami Balloon  
1243 Nottingham Way, Apt WA  
Trenton, NJ 08609

Ayman A. Mahgoub d/b/a Miami Balloon  
1243 Nottingham Way, Apt WA  
Trenton, NJ 08609

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN OF PENNSYLVANIA

BORIS SEREDA

v.

MILLS CORPORATION  
and  
FRANKLIN MILL ASSOCIATE, LP  
and  
MILLS MANAGEMENT, LLC  
and  
MANAGEMENT ASSOCIATION, LP  
and  
MILLS, LP  
and  
MAINSTREET RETAIL LIMITED  
PARTNERSHIP  
and  
MIAMI BALLOON  
and  
AYMAN A. MAHGOUB d/b/a MIAMI  
BALLOON  
and  
JOHN DOE

CIVIL ACTION

NO. 09-

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

Defendants, The Mills Corporation (misnamed as Mills Corporation), Mills Management LLC, Management Associates Limited Partnership (misnamed as Management Association, LP) and The Mills Limited Partnership (misnamed as Mills, LP) hereby respectfully give notice of the removal of the case of Boris Sereda v. Mills Corporation, et al, which was filed in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, docketed as June Term 2009, No. 1546, to the United States District Court of the Eastern District of Pennsylvania, and submit in support thereof the following:

1. On or about June 10, 2009, there was commenced in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, a certain civil action entitled Boris Sereda v. Mills Corporation, et al, by the filing of a Complaint, a copy of which is attached hereto marked as Exhibit A, which is incorporated herein by reference without adopting the contents thereof. The civil action was assigned the docket designation June Term, 2009, No. 1546 by the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania.

2. The Plaintiff's Complaint asks that the Court enter judgment in favor of the Plaintiff "in excess of \$50,000.00, plus court costs, interest and attorneys' fees, as well as any and all relief that the Honorable Court deems just and appropriate."

3. On August 19, 2009, Michael S. Bogdanoff, Esquire, an attorney for the Removing Defendants, wrote a letter to counsel for the Plaintiff, Eric Rayz, Esquire, a copy of which is attached hereto marked as Exhibit B, which documents a conversation which took place between Eric Rayz and Michael Bogdanoff.

4. During the conversation between Eric Rayz and Michael S. Bogdanoff, Mr. Rayz



stated that he had not yet spoken with his client to formulate a settlement demand, but that the demand would exceed Two Hundred Thousand (\$200,000.00) Dollars.

5. At all time relevant and material to this action and this Notice of Removal, including the time of the accrual of the Plaintiffs' causes of action, if any, the commencement of the Plaintiff's suit in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania and the date of the filing of this Notice of Removal, there was and is complete diversity of citizenship between the Plaintiff and the Defendants as follows:

- a. The Plaintiff was and is a citizen and resident of the Commonwealth of Pennsylvania.
- b. Defendant, The Mills Corporation, which was misnamed by the Plaintiff as Mills Corporation, was a corporation which was organized and existing under the laws of the State of Delaware and whose principal place of business was in the State of Maryland. Papers to dissolve the Mills Corporation were filed with the State of Delaware. To the extent that The Mills Corporation still exists and/or is organized, it exists and/or is organized under the laws of the State of Delaware and its principal place of business is located in the State of Maryland.
- c. Defendant Mills Management, LLC is a limited liability company which was and is organized and existing under the laws of the State of Delaware whose principal place of business was and is located in the State of Indiana.
- d. Defendant Management Associates Limited Partnership, which was misnamed by the Plaintiff as Management Association, LP., is a limited partnership which was and is organized under the laws of the State of Delaware whose principal place of business was and is located in the State of Indiana.
- e. Defendant, The Mills Limited Partnership, misnamed by the Plaintiff as Mills, LP, was and is a limited partnership organized and existing under the laws of the State of Delaware whose



principal place of business was and is located in the State of Indiana.

f. Defendant, Franklin Mills Associates Limited Partnership, misnamed by the Plaintiff as Franklin Mill Associate LP, was and is a limited partnership organized and existing under the laws of the District of Columbia, whose principal place of business was and is located in the State of Indiana.

g. Defendant Mainstreet Retail Limited Partnership, was and is a limited partnership organized and existing under the laws of the State of Delaware whose principal place of business was and is located in the State of Indiana.

h. Defendant Ayman Mahgoub d/b/a Miami Balloon was and is a citizen and resident of the State of New Jersey.

i. At all times relevant and material hereto, Ayman Mahgoub, a citizen and resident of the State of New Jersey, engaged in business as Miami Balloon, whose principal place of business was and is located at 1243 Nottingham Way, Trenton, New Jersey.

j. At all times relevant and material hereto, “Miami Balloon” was a fictitious name of the business of Ayman Mahgoub.

6. For purposes of removal, 28 U.S.C. §1441(a) provides that “the citizenship of defendants sued under fictitious names shall be disregarded.”

7. The Plaintiff’s Complaint identifies a Defendant as “John Doe” and states that John Doe as an adult individual who can be served at 1243 Nottingham Way, Apartment WA, Trenton, New Jersey 08609.

8. No affidavit of service has been filed with respect to “John Doe”.

9. It is alleged upon information and belief that “John Doe” has not been served.

10. It is alleged upon information and belief that Miami Balloon and Ayman A.

Mahgoub d/b/a Miami Balloon have not been served.

11. The above described action is a civil action over which this court has original jurisdiction under the provisions of 28 U.S. §1332, and is one which now may be removed to this Court by the Removing Defendants, pursuant to the provisions of 28 U.S.C. §1441, in that the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

12. This Notice of Removal is being filed within thirty (30) days of the receipt by the parties filing this Notice of Removal of the initial pleading setting forth a claim for relief upon which such action or proceeding is based and/or within thirty (30) days after receipt by the parties filing this Notice of Removal of an amended pleading, motion, order or other paper from which it may be first ascertained that the case is one which is or has become removable.

13. This Honorable Court has jurisdiction over this matter by virtue of 28 U.S.C. §1332 and 28 §1441.

14. Promptly after filing of this Notice of Removal, the removing party will give written notice of the removal of this case to all adverse parties and will file a copy of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania.



15. Pursuant to 28 U.S.C. §1446, there is filed herewith and attached hereto a true and correct copy of all process, pleadings and orders served upon the Removing Defendants in this action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Bogdanoff', is written over a horizontal line.

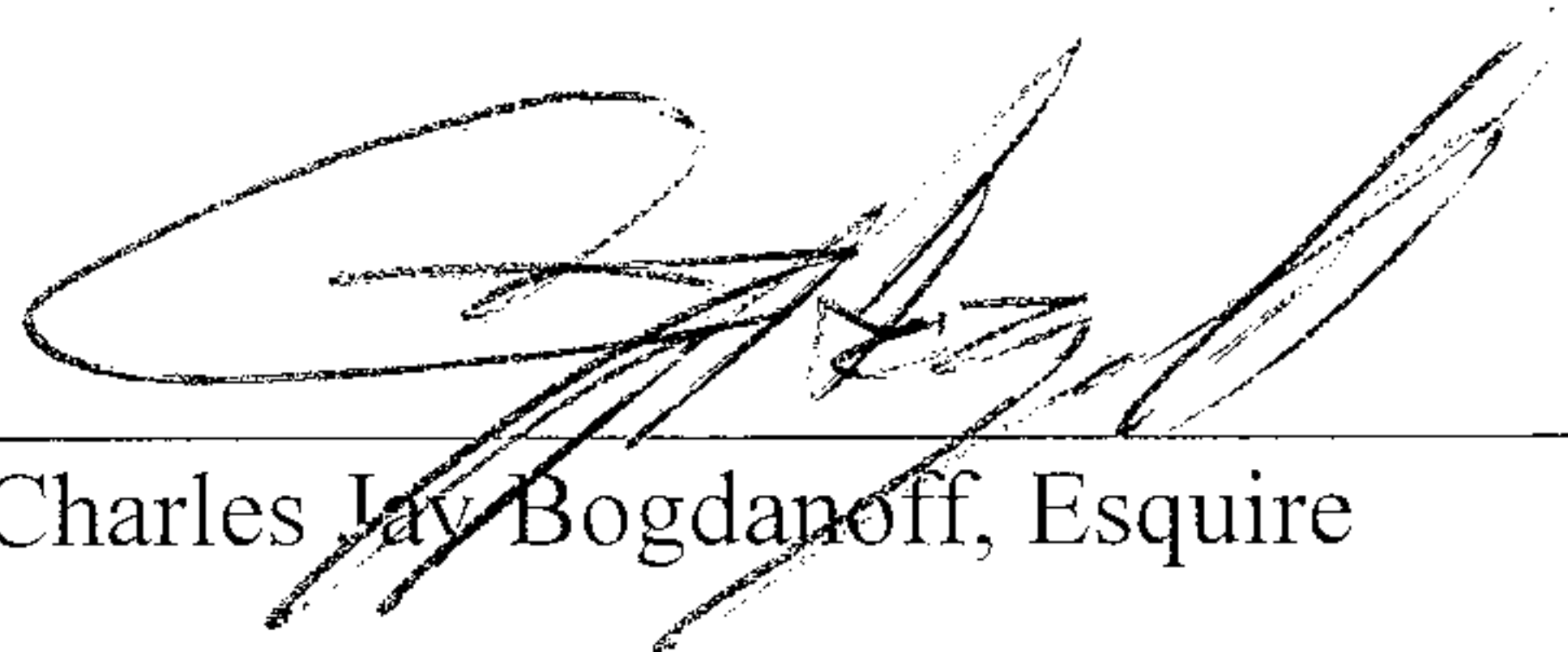
Charles Jay Bogdanoff, Esquire  
Attorney for Defendants The Mills  
Corporation (misnamed as Mills  
Corporation), Mills Management LLC,  
Management Associates Limited Partnership  
(misnamed as Management Association, LP)  
and The Mills Limited Partnership  
(misnamed as Mills, LP)

## VERIFICATION

I, Charles Jay Bogdanoff, Esquire, do hereby verify that I am the attorney for Defendants The Mills Corporation (misnamed as Mills Corporation), Mills Management LLC, Management Associates Limited Partnership (misnamed as Management Association, LP) and The Mills Limited Partnership (misnamed as Mills, LP), that I am authorized to make this Verification on their behalf and that the averments set forth in the Defendants' Notice of Removal are true and correct to the best of my information, knowledge and belief.

I understand that this Verification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsifications to authorities.

8-24-09  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Charles Jay Bogdanoff, Esquire



**CERTIFICATE OF SERVICE**

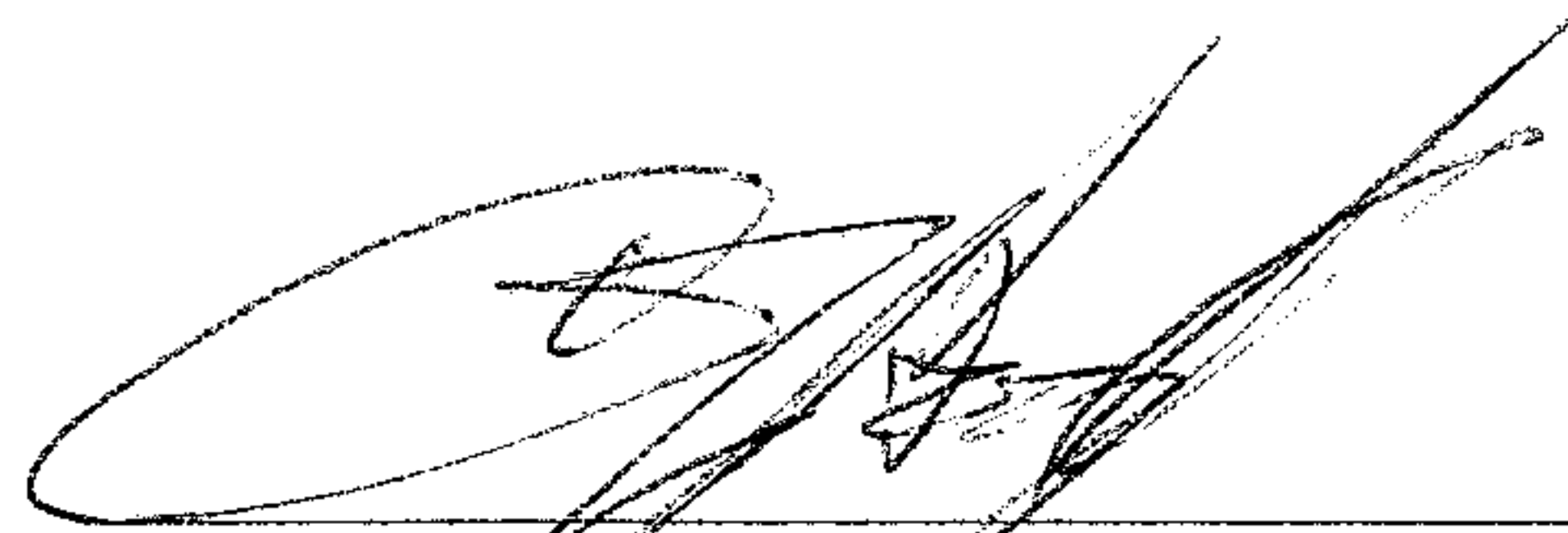
I, Charles Jay Bogdanoff, Esquire, do hereby certify that I did serve the Notice of Removal of Defendants The Mills Corporation (misnamed as Mills Corporation), Mills Management LLC, Management Associates Limited Partnership (misnamed as Management Association, LP) and The Mills Limited Partnership (misnamed as Mills, LP) by mailing a true and correct copy thereof by first class mail, postage prepaid, on August 24, 2009 addressed to counsel of record as follows:

Eric Rayz, Esquire  
Kalikhman & Rayz, LLC  
1051 County Line Road, Suite 102  
Huntingdon Valley, PA 19006  
Attorney for the Plaintiff

Ramon Townsend, Esquire  
Law Offices of Jeffrey H. Eiseman  
1515 Market Street  
Suite 1802  
Philadelphia, PA 19102  
Attorney for Defendants Mainstreet Retail  
Limited Partnership and Franklin Mill  
Associate, LP

John Baginski, Esquire  
Gregory P. Voci, Esquire  
Baginski, Mezzanotte, Hasson & Rubinate  
Suite 500 Public Ledger Building  
150 South Independence Mall West  
Philadelphia, PA 19106  
Attorney for Defendants Miami Balloon and  
Ayman A. Mahgoub, d/b/a Miami Balloon

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Bogdanoff', is written over a horizontal line.

Charles Jay Bogdanoff, Esquire  
Attorney for Defendants The Mills  
Corporation (misnamed as Mills  
Corporation), Mills Management LLC,  
Management Associates Limited Partnership  
(misnamed as Management Association, LP)  
and The Mills Limited Partnership  
(misnamed as Mills, LP)



# EXHIBIT A

**KALIKHMAN & RAYZ, LLC**

Eric Rayz, Esquire  
Identification No. 87976  
1051 County Line Road, Suite 102  
Huntingdon Valley, PA 19006  
Phone: (215) 364-5030  
Fax: (215) 364-5029  
E-mail: erayz@kalraylaw.com

**ATTORNEY(S) FOR PLAINTIFF(S)**

RECEIVED  
JUL 24 2009 10 05 AM  
CLERK OF COURT

BORIS SEREDA  
95 Lempa Road  
Holland, PA 18966

Plaintiff(s)

v.

MILLS CORPORATION  
1300 Wilson Blvd, Suite 400  
Arlington, VA 22209

FRANKLIN MILL ASSOCIATE, LP  
C/O THE MILLS CORPORATION  
1300 Wilson Blvd, Suite 400  
Arlington, VA 22209

MILLS MANAGEMENT, LLC  
C/O THE MILL CORPORATION  
1300 Wilson Blvd, Suite 400  
Arlington, VA 22209

MANAGEMENT ASSOCIATION, LP  
C/O THE MILLS CORPORATION  
1300 Wilson Blvd, Suite 400  
Arlington, VA 22209

MILLS, LP  
C/O THE MILLS CORPORATION  
1300 Wilson Blvd  
Arlington, VA 22209

MAINSTREET RETAIL LIMITED  
PARTNERSHIP  
C/O THE MILLS CORPORATION  
1300 Wilson Blvd, Suite 400  
Arlington, VA 22209

MIAMI BALLOON  
1243 Nottingham Way, Apt. WA  
Trenton, NJ 08609

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

CIVIL ACTION

2009 JUL 24 10 05 AM



AYMAN A. MAHGOUB D/B/A MIAMI  
BALLOON  
1243 Nottingham Way, Apt. WA  
Trenton, NJ 08609

JOHN DOE  
1243 Nottingham Way, Apt. WA  
Trenton, NJ 08609

Defendant(s)

### **NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**PHILADELPHIA BAR ASSOCIATION  
LAWYER REFERRAL & INFORMATION  
SERVICE**

**ONE READING CENTER  
PHILADELPHIA, PA 19107  
TELEPHONE: 215-238-1701**

### **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, le corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**SERVICIO DE REFERENCIA LEGAL  
ONE READING CENTER  
FILADELFIA, PA 19107  
TELEFONO: 215-238-1701**

**KALIKHMAN & RAYZ, LLC**

Eric Rayz, Esquire  
Identification No. 87976  
1051 County Line Road, Suite 102  
Huntingdon Valley, PA 19006  
Phone: (215) 364-5030  
Fax: (215) 364-5029  
E-mail: erayz@kalraylaw.com

**ATTORNEY(S) FOR PLAINTIFF(S)**

BORIS SEREDA

Plaintiff(s)

v.

MILLS CORPORATION, et al.

Defendant(s)

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

CIVIL ACTION

**I. INTRODUCTION**

1. This action is being brought against Defendant(s) for personal injuries sustained by Plaintiff, BORIS SEREDA (hereinafter "Plaintiff"), at Defendant(s)' place of business.

**II. PARTIES**

2. Plaintiff is an adult individual citizen of the Commonwealth of Pennsylvania, currently residing at 95 Lempa Road, Philadelphia, PA 18966.

3. Defendant, MILLS CORPORATION (hereinafter, individually, "MC"), is a corporation organized under the laws of the State of Virginia, operating a commercial enterprise within the Commonwealth of Pennsylvania, which maintains a registered address within the Commonwealth, and can be served at its headquarters, located at 1300 Wilson Blvd, Suite 400, Arlington, VA 22209.

4. Defendant, FRANKLIN MILL ASSOCIATE, LP C/O THE MILLS CORPORATION (hereinafter, individually, "FMA"), is a limited partnership, organized under the laws of the State of Virginia, operating a commercial enterprise within the Commonwealth of Pennsylvania, which maintains a registered address within the Commonwealth, and can be served at its

Case 2:09-cv-03864-ER



headquarters, located at 1300 Wilson Blvd, Suite 400, Arlington, VA 22209.

5. Defendant, MILLS MANAGEMENT, LLC C/O THE MILL CORPORATION (hereinafter, individually, "MM"), is a limited liability company, organized under the laws of the State of Virginia, operating a commercial enterprise within the Commonwealth of Pennsylvania, which maintains a registered address within the Commonwealth, and can be served at its headquarters, located at 1300 Wilson Blvd, Suite 400, Arlington, VA 22209.

6. Defendant, MANAGEMENT ASSOCIATION, LP C/O THE MILLS CORPORATION (hereinafter, individually, "MA"), is a limited partnership, organized under the laws of the State of Virginia, operating a commercial enterprise within the Commonwealth of Pennsylvania, which maintains a registered address within the Commonwealth, and can be served at its headquarters, located at 1300 Wilson Blvd, Suite 400, Arlington, VA 22209.

7. Defendant, MILLS, LP C/O THE MILLS CORPORATION (hereinafter, individually, "MILLS"), is a limited partnership, organized under the laws of the State of Virginia, operating a commercial enterprise within the Commonwealth of Pennsylvania, which maintains a registered address within the Commonwealth, and can be served at its headquarters, located at 1300 Wilson Blvd, Suite 400, Arlington, VA 22209.

8. Defendant, MAINSTREET RETAIL LIMITED PARTNERSHIP C/O THE MILLS CORPORATION (hereinafter, individually, "MRLP"), is a limited partnership, organized under the laws of the State of Virginia, operating a commercial enterprise within the Commonwealth of Pennsylvania, which maintains a registered address within the Commonwealth, and can be served at its headquarters, located at 1300 Wilson Blvd, Suite 400, Arlington, VA 22209.

9. Defendant, MIAMI BALLOON (hereinafter "MB"), is a company licensed to do business in the Commonwealth of Pennsylvania, and can be served at its principle place of business at 1243 Nottingham Way, Apartment WA, Trenton, New Jersey 08609.

10. Defendant, AYMAN A. MAHGOUB D/B/A MIAMI BALLOON (hereinafter "AAM"), is an adult, individual citizen of the State of New Jersey, who is involved in a commercial



enterprise in the Commonwealth of Pennsylvania and conducts business in the Commonwealth of Pennsylvania under the name "Miami Balloon" and can be served at 1243 Nottingham Way, Apartment WA, Trenton, New Jersey 08609.

11. Defendant, JOHN DOE, is an adult salesperson of Miami Balloon believed to be an individual citizen of the Commonwealth of Pennsylvania, who can be served at 1243 Nottingham Way, Apartment WA, Trenton, New Jersey 08609.

### **III. VENUE**

12. The venue for this matter is proper, in that the cause of action arose within the confines of Philadelphia County.

### **IV. CAUSE OF ACTION**

13. Defendant(s), at the time of the event set forth in this Complaint, owned and/or possessed and/or managed and/or maintained and/or controlled the premises located at 1455 Franklin Mills Circle, Philadelphia, Pennsylvania 19154 (hereinafter "Premises").

14. At all times pertinent hereto, Defendant(s) had a duty to maintain the Premises in a reasonably safe condition and to warn business invitees of any concealed perils which are or should be known to the Defendant(s).

15. At all times pertinent hereto, Defendant(s) conducted continuous and substantial business in the Commonwealth of Pennsylvania.

16. At all times relevant and material hereto, Plaintiff was a business invitee of Defendant(s) on or about the Premises, and was in no manner responsible for any act or failure to act contributing to the accident hereinafter described.

17. At all times relevant and material hereto, Plaintiff was lawfully and properly exercising due care for his own safety.

18. The events upon which this Complaint is based occurred in the evening hours on or about August 6, 2007.

19. Plaintiff was lawfully on the Defendant(s)' Premises as a business invitee for the

purpose of making a purchase.

20. While looking for merchandise, Plaintiff was hit right above his left eye with a padlock that was attached to a portable cart, which was violently swung at the Plaintiff by the Defendant(s), John Doe.

21. As a direct and proximate result of this impact, Plaintiff sustained severe, disabling, painful and permanent injuries, as set forth below, and incurred medical bills and loss of earnings and earning capacity.

### **COUNT I – NEGLIGENCE**

22. Plaintiff hereby incorporates all facts and allegations of this Complaint by reference as if fully set forth at length herein.

23. The serious injuries sustained by the Plaintiff were directly and proximately caused by the negligence of the Defendant(s), by and through their separate and respective agents, servants, workmen, and/or employees, were careless and negligent in general and in the following particulars:

- a. In breaching their duties under Restatement of the Law of Torts (Second);
- b. In failing to hire competent employees;
- c. In failing to warn plaintiff, a business invitee, of the peculiar, dangerous and unsafe conditions then and there existing upon the premises;
- d. In failing to adopt, enact, employ and enforce proper and adequate safety programs, precautions, procedures, measures and plans;
- e. In failing to perform and furnish services in conformity with the standard of care;
- f. In exposing plaintiff, a business invitee, to peculiar and unreasonable danger;
- g. In failing to maintain the area in a safe condition for customers patronizing the store;

- h. In failing to properly and adequately train and supervise employees to prevent dangerous conditions from existing on the premises;
- i. In misleading the public into believing that the premises were safe;
- j. In striking Plaintiff in the head and/or face;
- k. In causing an unreasonably dangerous condition on the premises, which the Plaintiff could not have been expected to discover by himself;
- l. In creating a trap or nuisance;
- m. In failing to inspect the Premises for any dangerous or potentially dangerous conditions;
- n. In permitting the existence of a dangerous conditions, which created a reasonably foreseeable risk of type of injury which occurred;
- o. In failing to have a proper and adequate policy and procedure concerning the closing of shops, stores, and portable carts on Defendant(s) Premises.

24. As a result of the aforesaid acts, Plaintiff(s) sustained serious injuries, all of which are or may be a permanent nature, which include but are not limited to:

- a. Severe sprains and strains of and injury to the bones, joints, muscles, ligaments, tendons, discs, nerves and tissues of the neck and upper back;
- b. Severe periorbital hematoma;
- c. Post concussion syndrome (manifested by headaches and dizziness);
- d. Nervousness, nausea, insomnia, blurred vision, emotional tension and anxiety; and
- e. Aggravation of pre-existing disease process and/or prior health deficiencies, such as arthritis and perhaps other dormant or controlled disease processes.



25. As a result of these injuries, the Plaintiff suffered the following damages:
- a. As a direct and proximate result of the negligence and carelessness of Defendant(s), Plaintiff has endured and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish and emotional and psychological trauma;
  - b. As a direct and proximate result of the negligence and carelessness of Defendant(s), Plaintiff has been and will be required to expend large sums of money for medical treatment and care, hospitalization, medical supplies, rehabilitation and therapeutic treatment, and other attendant services;
  - c. As a direct and proximate result of the negligence and carelessness of Defendant(s), Plaintiff has been unable to engage in his usual and daily duties and occupations, and he will continue to suffer same for an indefinite period of time, perhaps permanently;
  - d. As a direct and proximate result of the negligence and carelessness of Defendant(s), Plaintiff has missed time from work and suffered a loss of earnings which will continue into the future;
  - e. As a direct and proximate result of the negligence and carelessness of Defendant(s), Plaintiff has suffered a permanent and diminished loss in her present and future earning capacity;
  - f. As a direct and proximate result of the negligence and carelessness of Defendant(s), Plaintiff's general health, strength, and vitality have been impaired; and
  - g. As a direct and proximate result of the negligence and carelessness of Defendant(s), Plaintiff has suffered a diminution in his ability to enjoy life and life's pleasures, all of which may continue indefinitely into the future.

WHEREFORE, Plaintiff(s) respectfully request that this Honorable Court enter judgment in their favor in excess of \$50,000.00, plus court costs, interest, and attorneys' fees, as well as any and all relief that the Honorable Court deems just and appropriate.

Respectfully submitted,  
**KALIKHMAN & RAYZ, LLC**



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Eric Rayz, Esquire  
Attorney(s) for Plaintiff(s)  
1051 County Line Road, Unit 102  
Huntingdon Valley, PA 19006  
Phone: (215) 364-5030  
Fax: (215) 364-5029  
E-mail: erayz@kalraylaw.com

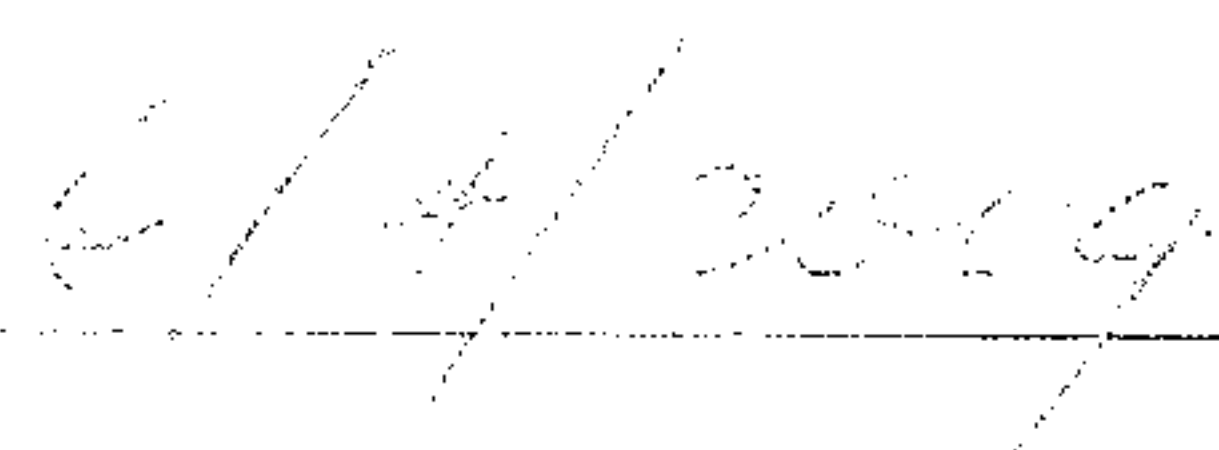
Date: June 10, 2009

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VERIFICATION

\_\_\_\_\_ hereby states that: (1) he/she is the Plaintiff and/or Defendant, a corporate officer, authorized agent, and/or representative for the Plaintiff and/or Defendant in the captioned matter; (2) he/she is acquainted with the facts set forth in the foregoing pleading; (3) same are true and correct to the best of his/her knowledge, information and belief; and (4) this statement is made subject to the penalties, relating to unsworn falsifications to authorities.

  
\_\_\_\_\_  
Name

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
JAMES M. JAMES



# EXHIBIT B

GELKOSKIBOGDANOFF, P.C.

SUITE 1414  
ROBINSON BUILDING  
49 SOUTH 18TH STREET  
PHILADELPHIA, PA 19103-2388  
TELEPHONE (215) 588-4511  
FAX (215) 588-8838

New Jersey Office  
THE CORPORATE CENTER AT SAGEMORE  
TEN THOUSAND SAGEMORE DRIVE  
SUITE 10204  
MARLTON, NEW JERSEY 08055  
(856) 983-9900

CHARLES JAY BOGDANOFF  
MICHAEL S. BOGDANOFF+

GARY KEITH FELDBAUM\*\*

NICHOLAS D. MARTINUK  
FREDERICK W. BROWN\*

MICHAEL GONZALEZ

In Reply Please Refer to File No.:

[www.gekoskibogdanoff.com](http://www.gekoskibogdanoff.com)

D20612

\* ALSO ADMITTED IN NEW JERSEY  
+ ALSO ADMITTED IN CONNECTICUT  
+ RESPONSIBLE NEW JERSEY ATTORNEY

August 19, 2009

Via Facsimile Transmission

(215) 364-5029

Eric Rayz, Esquire  
Kalikhman & Rayz, LLC  
1051 County Line Rd. Ste. 102  
Huntingdon Valley, PA 19006

RE: Sereda v. Mills Corporation, et al  
Court of Common Pleas, Philadelphia County,  
June Term, 2009, No. 001546

Dear Mr. Rayz:

Please allow this correspondence to confirm our conversation of August 13, 2009 in regard to the above-referenced matter. As you know, I am representing some of the Mills entities. You and I discussed the allegations in the complaint, insurance issues, your desire to obtain any video footage of the incident and the settlement value of the case. I mentioned that I would contact my client to discuss disclosure of the video footage. I have since made that contact and told you that, pursuant to your discovery request, we will provide you with a CD of the footage (subject to a confidentiality agreement). You indicated that you were fine with such an Agreement.

As for the value of the case, I asked you whether a settlement demand had been made previously. You indicated that you had not spoken with your client to formulate a settlement demand, but you also advised that the demand would exceed \$200,000. I will provide this figure to my clients.

Thank you for your cooperation in this matter.

Very truly yours,

Michael S. Bogdanoff

MSB:kk  
Enclosure